

HUMAN SERVICES DEPARTMENT[441]**Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 79, "Other Policies Relating to Providers of Medical and Remedial Care," Iowa Administrative Code.

This amendment restores a 2.5 percent rate reduction for state fiscal year 2011 for individuals providing consumer-directed attendant care (CDAC) services under a Medicaid home- and community-based services waiver. The amendment results from a recent mediation addressing two grievances on rate reductions filed by the American Federation of State, County, and Municipal Employees (AFSCME) on behalf of the providers. The grievance procedure was carried out under the terms of a memorandum of understanding between the Department and AFSCME pursuant to Executive Order 43, which has been in effect since July 4, 2005.

This amendment does not provide for waivers in specified situations since the change is a benefit to the providers and the mediation agreement does not allow for waivers.

The Council on Human Services adopted this amendment September 15, 2010.

The Department finds that notice and public participation are unnecessary because this amendment is based on a mediated settlement that the Department has agreed to pursuant to its memorandum of understanding with the union. Therefore, this amendment is filed pursuant to Iowa Code section 17A.4(3).

The Department finds that this amendment confers a benefit upon the providers affected by raising their reimbursement rates. Therefore, this amendment is filed pursuant to Iowa Code section 17A.5(2)"b"(2), and the normal effective date of this amendment is waived.

This amendment is intended to implement Iowa Code section 249A.4.

This amendment became effective October 1, 2010.

The following amendment is adopted.

Amend subrule **79.1(2)**, provider category "HCBS waiver service providers," numbered paragraph "15," as follows:

<u>Provider category</u>	<u>Basis of reimbursement</u>	<u>Upper limit</u>
15. Consumer-directed attendant care provided by:		
Agency (other than an elderly waiver assisted living program)	Fee agreed upon by consumer and provider	\$19.70 per hour not to exceed the daily rate of \$113.80 per day.
Assisted living program (for elderly waiver only)	Fee agreed upon by consumer and provider	For elderly waiver only: \$1,089.08 per calendar month. Rate must be prorated per day for a partial month, at a rate not to exceed \$35.79 per day.
Individual	Fee agreed upon by consumer and provider	\$13.43 Effective July 1, 2010, \$13.47 per hour not to exceed the daily rate of \$76.60 <u>\$78.56</u> per day.

[Filed Emergency 9/15/10, effective 10/1/10]

[Published 10/6/10]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/6/10.